

# House . . . . . No. 4157

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Message from His Excellency the Governor recommending legislation relative to An Act making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects.

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## The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT  
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DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

July 2, 2009

To the Honorable Senate and House of Representatives:

I am filing for your consideration "An Act Making Appropriations for the Fiscal Year 2009 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects". This legislation recommends Fiscal Year 2009 supplemental appropriations totaling \$64 million and also includes language to allow for the proper close out of fiscal year 2009.

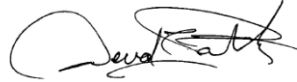
The supplemental items to fund existing obligations include:

- \$60 million for unanticipated spending within MassHealth accounts. This spending is covered by higher-than-anticipated Enhanced Federal Medical Assistance Percentages (Enhanced FMAP) revenue in fiscal year 2009.
- \$3 million to aid in the transition of transportation entities as a result of the recently enacted transportation reform bill.

Additionally, this legislation permits unspent funding in several accounts to be available in fiscal year 2010. In each of these cases, the funding is necessary in order to make payments in fiscal year 2010 for obligation that have already begun in fiscal year 2009.

Sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a large, stylized initial "D" and a flourish at the end.

DEVAL L. PATRICK,  
*Governor.*

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine.

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MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2009 TO  
PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR  
CERTAIN OTHER ACTIVITIES AND PROJECTS.

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2009 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

HOUSE — No. 4157

1           SECTION 1. To provide for supplementing certain items in the general appropriation act  
2 and other appropriation acts for fiscal year 2009, the sums set forth in section 2 are hereby appropriated from  
3 the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the  
4 several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject  
5 to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2009. These sums  
6 shall be in addition to any amounts previously appropriated and made available for the purposes of those  
7 items.

8           SECTION 2.

9                   EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

10                           *Division of Medical Assistance*

11   4000-0700 ..... \$60,000,000

12                   EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

13                           *Military Division*

14   8700-0001 ..... \$100,000

15           SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide  
16 for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums  
17 set forth in this section are hereby appropriated from the General Fund unless specifically designated  
18 otherwise in this section, for the several purposes and subject to the conditions specified in this section,  
19 and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30,  
20 2009. These sums shall be in addition to any amounts previously appropriated and made available for the  
21 purposes of those items.

22                   EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

23                           *Office of the Secretary of Administration and Finance*

24   1599-9003 For a reserve for the implementation of transportation reform ..... \$3,039,000

25                   EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

26                           *Department of State Police*

HOUSE — No. 4157

8100-0006 For private police details; provided, that the department may expend up to \$19,900,000 in revenues collected from fees charged for private police details and for the costs of administering such details; and provided further, that notwithstanding any general or special law to the contrary, the department may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2009 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system for the purposes stated in this item to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2009..... \$900,000

SECTION 2C.I. For the purpose of making available in fiscal year 2010 balances of appropriations which otherwise would revert on June 30, 2009, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2009. However, for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 of the general appropriation act; provided, however, that for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for said purposes.

SHERIFFS

*Hampshire Sheriff's Department*

8910-0110 ..... \$55,000

TREASURER AND RECEIVER-GENERAL

*Office of the Treasurer and Receiver-General*

HOUSE — No. 4157

54	0699-9100 .....	\$500,000
55	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
56	<i>Office of the Secretary of Administration and Finance</i>	
57	1100-1560 .....	\$695,887
58	1599-1031 .....	\$2,845,216
59	1599-2005 .....	\$457,732
60	1599-2008 .....	\$450,000
61	1599-2112 .....	\$6,300,000
62	1599-9003 .....	\$3,039,000
63		

**HOUSE — No. 4157**

**EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT**

*Division of Banks*

7006-0011 ..... \$100,000

*Department of Telecommunications and Cable*

7006-0071 ..... \$49,846

**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT**

*Department of Workforce Development*

7003-0701 ..... \$17,938,904

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

*Office of the Secretary of Public Safety and Security*

8000-0036 ..... \$3,653,055

*Department of State Police*

8100-0006 ..... \$900,000

*Department of Public Safety*

8315-1020 ..... \$185,000

*Military Division*

8700-0001 ..... \$100,000

**CCTF Transfer**

SECTION 3. Subsection (b) of section 88 of chapter 182 of the acts of 2008 is hereby amended by striking out the second sentence, as amended by section 27 of chapter 26 of the acts of 2009, and inserting in place thereof the following sentence:- Not less than \$987,959,145 shall be transferred from the General Fund to the Commonwealth Care Trust Fund and not less than \$47,996,382 shall be transferred from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund.

**Transfer from Stabilization Fund**

91

92 SECTION 4. Notwithstanding any general or special law to the contrary, the secretary of administration  
93 and finance may direct the comptroller to transfer funds from the Commonwealth Stabilization Fund to  
94 the General Fund in an amount sufficient to ensure that the consolidated net surplus in the budgetary  
95 funds, as defined in section 1 of chapter 29 of the General Laws, for fiscal year 2009 is not less than  
96 \$10,000,000 in addition to the amount to be disposed under clause (a) of section 5C of chapter 29 of the  
97 General Laws. Before making any such transfer, the comptroller shall on or before October 15 notify the  
98 secretary in writing of the amount of the consolidated net surplus without making such a transfer.

99

100

101 **Amending Effective Date for the RMV deposit into the Head Injured Trust Fund**

102

103 SECTION 5. Chapter 182 of the acts of 2008 is hereby amended by inserting after section 120 the  
104 following section:-

105 Section 120A. Section 44 shall take effect on July 1, 2009.

106

107 **Secretary of State Transfer to Trust Account**

108

109 SECTION 6. Notwithstanding any general or special law to the contrary, in order to meet federal  
110 matching fund requirements, the comptroller shall transfer \$251,735 from item 0521-0000 of section 2 of  
111 chapter 182 of the acts of 2008 to trust account 0521-0700.

112

113 **Transfer to the CA/T Fund**

114



SECTION 7. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of administration and finance, shall not make the transfer established under section 63 of chapter 10 of the General Laws to the General Fund for fiscal year 2009.

**Allow MassHealth to Spend into the Accounts Payable Period for the DDS ISA**

SECTION 8. Notwithstanding any general or special law or rule or regulation to the contrary, any unexpended balances, not to exceed a total of \$15,000,000, in items 4000-0600 and 4000-0700 of section 2 of chapter 182 of the acts of 2008, shall not revert to the General Fund until September 1, 2009, and may be used by the executive office of health and human services to pay for services provided during fiscal year 2009.

**Amortization of F2009 Snow and Ice Deficit**

SECTION 9. Notwithstanding section 23 of chapter 59 of the General Laws, section 31D of chapter 44 of the General Laws, or any other special or general law, any city or town may amortize over the 3 fiscal years 2010, 2011 and 2012, in equal installments or more rapidly, an amount of its fiscal year 2009 snow and ice deficit. The local appropriating authority as defined in section 21C of chapter 59 of the General Laws shall adopt a deficit amortization schedule before the setting of the FY2010 municipal tax rate, consistent with the first sentence of this section. The commissioner of revenue may issue guidelines or instructions for reporting the amortization of deficits authorized by this section.